IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

ALLAN DALE FLOWERS,	§	
INDEPENDENT EXECUTOR OF THE	§	
ESTATE OF ELSIE CALDONIA	§	
FLOWERS, Deceased,	§	
	§	
Plaintiff,	§	
	§	CASE NO. 4:08cv275
v.	§	
	§	
A.G. EDWARDS & SONS, LLC, formerly	§	
known as A.G. EDWARDS & SONS, INC.,	§	
Defendant.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ORDER STAYING CASE AND REFERRING MATTER TO ARBITRATION

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636, as well as the October 17, 2008 Order of the Magistrate Judge. In light of the recommendations in the October 17, 2008 Order, the court hereby WITHDRAWS it October 15, 2008 Memorandum Adopting the Report and Recommendation of the United States Magistrate Judge (Dkt. 8).

Further, having received the September 16, 2008 report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant's Motion to Stay Proceedings and

Compel Arbitration (Dkt. 5) is GRANTED. Further, Plaintiff's claims against Defendant are HEREBY referred to arbitration, and this case is STAYED until the arbitration has been completed

IT IS SO ORDERED.

SIGNED this 17^{h} day of 0c., 2008.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE